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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,457	05/25/2001	Hiroshi Tanaka	Q64695	3821

7590 09/23/2005  
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EXAMINER

CHANNAVAJALA, SRIRAMA T

ART UNIT PAPER NUMBER

2166

DATE MAILED: 09/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/864,457

**Applicant(s)**

TANAKA ET AL.

**Examiner**

Srirama Channavajjala

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

**Response to Amendment under 37 CFR 1.111**

1. Claims 1-9 pending in this application.
2. Examiner acknowledges applicant's amendment under 37 CFR 1.111 filed on 7/25/2005.
3. In view of the appeal Brief filed on 10/22/2004, PROSECUTION IS HEREBY REOPENED. A new rejection to the pending claims 1-9 is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

4. Examiner acknowledges applicant's appeal brief filed on 10/22/2004.
5. Examiner acknowledges applicant's amendment filed on 4/6/2004, paper no. 5.
6. Claims 1-2, 4 have been amended, paper no. # 5.
7. Claims 7-9 have been added, paper no. # 5.

***Drawings***

8. The drawings filed on 5/25/2001 are approved by the Draftsperson under 37 CFR 1.84 or 1.152.

***Priority***

9. Acknowledgment is made of applicant's claim for priority under 35 U.S.C. 119(a)-(d) based upon an application [SI.No.# 2000-156603] filed in Japan on 5/26/2000

***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

**11. Claims 1- 2,4-5,7-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Venkatesan et al. [hereafter Venkatesan], US Patent No. 6282550.**

12. As to claim 1, Venkatesan teaches a system which including 'a service supply method, in which a customer receiving services and at least one of a plurality of supplier capable of supplying a service desired by the customers are linked, and supply of said desired service from said supplier to said customer is enabled' [see Abstract, col 3, line 3-11, fig 3A-3D], Venkatesan is directed to suppliers are capable of supplying desired or required services to the customers, more specifically list of suppliers are stored in the database where customer enters desired services and selects particular supplier based on the requirements from list of suppliers as detailed in col 3, line 3-11; plurality of supplier capable of supplying a service corresponds to list of suppliers capability information as detailed in step 17;

'acquiring supplier information concerning at least a time when each of said supplier can supply said service via network' [col 5, line 27-37, line 50-52, col 7, line 3-6, col 8, line 5-10, fig 1, fig 2B, fig 5], Venkatesan specifically teaches supplier information is being stored in a database and searched for supplier capabilities of specific services from multiple suppliers for example as detailed in fig 2B element 61 where matching supplier is determined, if matching supplier is found, system further processes customer requirements, otherwise customer is information of specific services cannot be supplied [see fig 2B], furthermore, it is noted that customer and suppliers are connected via network as detailed in fig 2B, element 12, also see fig 5;

'acquiring customer information concerning said service desired by said customer'[fig 2A, element 8, fig 3A,element 19, col 5, line 53-65], acquiring customer information concerning said service desired by said customer corresponds to customer specified desired services as detailed in fig 2A, element 8;

'allowing the customer who desires the supply of said desired service and the supplier capable of supplying the desired service to correspond with each other based on said supplier information and said acquire customer information' [col 6, line 13-25, fig 2B], Venkatesan specifically teaches customer's desired product information is searched to and found matching suppliers at step 9, further if the database does not have nay matching suppliers, then customer is automatically provided information as detailed in fig 2B, element 64

13. As to claim 2, Venkatesan teaches a system which including 'a service supply method, in which a customer receiving services and at least one of a plurality of suppliers capable of supplying a service desired by the customer are linked and supply of said desired service from said supplier to said customer is enabled' [see Abstract, col 3, line 3-11, fig 3A-3D], Venkatesan is directed to suppliers are capable of supplying desired or required services to the customers, more specifically list of suppliers are stored in the database where customer enters desired services and selects particular supplier based on the requirements from list of suppliers as detailed in col 3, line 3-11; plurality of supplier capable of supplying a service corresponds to list of suppliers capability information as detailed in step 17;

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'acquiring supplier information concerning at least a time when each of said suppliers can supply said service [col 5, line 27-37, line 50-52, col 7, line 3-6, col 8, line 5-10, fig 1, fig 2B, fig 5], Venkatesan specifically teaches supplier information is being stored in a database and searched for supplier capabilities of specific services from multiple suppliers for example as detailed in fig 2B element 61 where matching supplier is determined, if matching supplier is found, system further processes customer requirements, otherwise customer is information of specific services cannot be supplied [see fig 2B],

'storing the acquired supplier information in a database' [fig 4D, col 7, line 65-67, col 8, line 1-3], Venkatesan specifically teaches saving supplier information in a database for future use as detailed in fig 4D, element 50, also see fig 2A, element 7

'acquiring customer information concerning said service desired by said customer' [fig 2A, element 8, fig 3A, element 19, col 5, line 53-65], acquiring customer information concerning said service desired by said customer corresponds to customer specified desired services as detailed in fig 2A, element 8;

'allowing the customer who desires the supply of said desired service and the supplier capable of supplying the desired service to correspond with each other based on said supplier information and said acquire customer information' [col 6, line 13-25, fig 2B], Venkatesan specifically teaches customer's desired product information is searched to and found matching suppliers at step 9, further if the database does not have nay matching suppliers, then customer is automatically provided information as detailed in fig 2B, element 64

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14. As to claim 4, Venkatesan teaches a system which including 'a service supply system, in which a customer receiving services and at least one of a plurality of suppliers capable of supplying a service desired by the customer are linked, and supply of said desired service from the supplier to said customer is enabled' enabled' [see Abstract, col 3, line 3-11, fig 3A-3D], Venkatesan is directed to suppliers are capable of supplying desired or required services to the customers, more specifically list of suppliers are stored in the database where customer enters desired services and selects particular supplier based on the requirements from list of suppliers as detailed in col 3, line 3-11; plurality of supplier capable of supplying a service corresponds to list of suppliers capability information as detailed in step 17;

'supplier information acquiring means for acquiring supplier information concerning at least a time when each of said suppliers can supply said service' [col 5, line 27-37, line 50-52, col 7, line 3-6, col 8, line 5-10, fig 1, fig 2B, fig 5], Venkatesan specifically teaches supplier information is being stored in a database and searched for supplier capabilities of specific services from multiple suppliers for example as detailed in fig 2B element 61 where matching supplier is determined, if matching supplier is found, system further processes customer requirements, otherwise customer is information of specific services cannot be supplied [see fig 2B];

'customer information acquiring means for acquiring customer information concerning said service desired by said customer' [fig 2A, element 8, fig 3A, element 19, col 5, line 53-65], acquiring customer information concerning said service desired by



said customer corresponds to customer specified desired services as detailed in fig 2A, element 8;

'matching means for allowing the customer who desires the supply of said desired service and the supplier capable of supplying the desired service to correspond with each other based on said supplier information and said acquired customer information'[col 6, line 13-25, fig 2B], Venkatesan specifically teaches customer's desired product information is searched to and found matching suppliers at step 9, further if the database does not have nay matching suppliers, then customer is automatically provided information as detailed in fig 2B, element 64.

15. As to claim 5, Venkatesan disclosed 'a database for storing said supplier information' [fig 4D, col 7, line 65-67, col 8, line 1-3], Venkatesan specifically teaches saving supplier information in a database for future use as detailed in fig 4D, element 50 also see at fig 2A, element 7.

16. As to claim 7-9, Venkatesan disclosed 'supplier information further concerns a quality of service that each of said suppliers can supply'[fig 2B, element 62,10, col 6, line 20-23], 'a location of each of said suppliers and/or a fee for the supply of said service' [fig 6C, col 6, line 26-30], Venkatesan specifically teaches selecting desired suppliers which can meet customers specific requirement, further, Venkatesan also teaches multiple vendors and services and price being displayed to the customer to view each vendor profile as detailed in fig 6C.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**17. *Claim 3,6, is rejected under 35 U.S.C. 103(a) as being unpatentable over Venkatesan et al. [hereafter Venkatesan], US Patent No. 6282550.***

18. As to claim 3, Venkatesan does not specifically teach 'service is a service associated with medical attention or a service associated with care'.

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to modify Venkatesan's reference, more specifically modifying provider and supplier with service associated with medical attention or service associated with care,[see fig 2A], because that would have allowed users of Venkatesan to search specific desired medical service providers, save such medical service providers for future use as desired, further if customer accepts the desired services from specific supplier, proper confirmation may be communicated to the customer via the network as suggested by Venkatesan col 3, line 17-21.

***Response to Arguments***

19. Applicant's arguments, filed on 7/25/2005, with respect to the rejection of claims 1-9 have been considered, for examiner's response, see discussion below:

- a) At page 6, claim 1, applicant argues that "Venkatesan et al. fail to teach or suggest a step of at least acquiring a time when a supplier can supply a particular service and making a selection of a supplier based on at least that criteria
- b) At page 6, claim 1, applicant argues that "there is no disclosure of acquiring a time for when the desired synthesized strand of peptide oligonucleotide or peptide nucleic acid can be delivered.

As to the arguments [a-b], firstly, Venkatesan et al. is directed to customer requests and supplier capabilities, more specifically customer capabilities to identify list of suppliers with the required capabilities using automatically searching database [see fig 1, col 5, line 32-38]; secondly, Venkatesan specifically teaches suppliers list, supplier capabilities of specific services are being stored, and searched in a database that including pricing [col 5, line 41-44], note that multiple suppliers for example as detailed in fig 2B, element 61; thirdly, Venkatesan also teaches, upon reviewing the list of supplier, customer selects a supplier of a particular or specific service or matching suppliers are compiled, automatically into a list [col 6, line 31-33, col 7, line 28-30]. Furthermore, it is noted that Venkatesan specifically teaches customer informs the selected supplier preferably including price and shipping information [col 8, line 5-10],

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as best understood by the examiner, once price and shipping information is conformed from the selected supplier, customer is expected to meet the timeline that corresponds to acquiring a time when a supplier can supply a particular service. Hence Venkatesan et al. teaches at least acquiring a time when a supplier can supply a particular service.....

c) At page 7, Claim 1, applicant argues that “Venkatesan et al. do not consider information on when a desired service can be supplied to be a supplier selection criterion.

As to the above argument [c], as best understood by the examiner, Venkatesan specifically teaches database is continuously searched for desired supplier list that including limitation and supplier capabilities, further matching suppliers are compiled automatically into a list preferably that including price and shipping information as detailed in col 7, line 26-29, line 36-39].

Examiner applies above discussed arguments to the dependent claim 7.

d) At page 7, claim 2, applicant argues that “Venkatesan et al. fail to teach or suggest at least a step of acquiring a time when a supplier can supply a particular service and selecting a supplier based on at least that criteria.

As to the argument [d], firstly, Venkatesan et al. is directed to customer requests and supplier capabilities, more specifically customer capabilities to identify list of

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suppliers with the required capabilities using automatically searching database [see fig 1, col 5, line 32-38]; secondly, Venkatesan specifically teaches suppliers list, supplier capabilities of specific services are being stored, and searched in a database that including pricing [col 5, line 41-44], note that multiple suppliers for example as detailed in fig 2B, element 61; thirdly, Venkatesan also teaches, upon reviewing the list of supplier, customer selects a supplier of a particular or specific service or matching suppliers are compiled, automatically into a list [col 6, line 31-33, col 7, line 28-30]. Furthermore, it is noted that Venkatesan specifically teaches customer informs the selected supplier preferably including price and shipping information [col 8, line 5-10], as best understood by the examiner, once price and shipping information is confirmed from the selected supplier, customer is expected to meet the timeline that corresponds to acquiring a time when a supplier can supply a particular service. Hence Venkatesan et al. teaches at least acquiring a time when a supplier can supply a particular service.....

e) At page 8, claim 4, applicant argues that "Venkatesan et al. fail to teach or suggest at least a step of acquiring a time when a supplier can supply a particular service and selecting a supplier based on at least that criteria.

As to the argument [e], firstly, Venkatesan et al. is directed to customer requests and supplier capabilities, more specifically customer capabilities to identify list of suppliers with the required capabilities using automatically searching database

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[see fig 1, col 5, line 32-38]; secondly, Venkatesan specifically teaches suppliers list, supplier capabilities of specific services are being stored, and searched in a database that including pricing [col 5, line 41-44], note that multiple suppliers for example as detailed in fig 2B, element 61; thirdly, Venkatesan also teaches, upon reviewing the list of supplier, customer selects a supplier of a particular or specific service or matching suppliers are compiled, automatically into a list [col 6, line 31-33, col 7, line 28-30]. Furthermore, it is noted that Venkatesan specifically teaches customer informs the selected supplier preferably including price and shipping information [col 8, line 5-10], as best understood by the examiner, once price and shipping information is confirmed from the selected supplier, customer is expected to meet the timeline that corresponds to acquiring a time when a supplier can supply a particular service. Hence Venkatesan et al. teaches at least acquiring a time when a supplier can supply a particular service.....

f) At page 8, claims 3 and 6, applicant argues that since claim 3 depends upon claims 1 and 2, and since the Patent Office does not cite a reference that cures the deficient teachings of Venkatesan et al. ....

As to the argument [f], examiner specifically detailed in the previous office action that "Venkatesan et al. does not teach the limitation" service is a service associated with medical attention or a service associated with care". Although, Venkatesan et al. specifically teaches automatically searching databases for list of suppliers with required

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services, capabilities that allows even remote user to access using network [col 5, line 35-38, line 50-52], it would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to modify Venkatesan's reference, more specifically modifying provider and supplier with service associated with medical attention or service associated with care,[see fig 2A], because that would have allowed users of Venkatesan to search specific desired medical service providers, save such medical service providers for future use as desired, further if customer accepts the desired services from specific supplier, proper confirmation may be communicated to the customer via the network as suggested by Venkatesan col 3, line 17-21.

### ***Conclusion***

#### **The prior art made of record**


- a. US Patent No. 6282550

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Srirama Channavajjala whose telephone number is 571-272-4108. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:30 PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alam, Hosain, T, can be reached on (571) 272-3978. The fax phone numbers for the organization where the application or proceeding is assigned is 703/872-9306 Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free)

SC  
Patent Examiner.  
September 19, 2005.

  
SRIRAMA CHANNAVAJJALA  
PRIMARY EXAMINER